

P.L. 114-94

# Fixing America's Surface Transportation (FAST) Act

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Key Highway Provisions



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# FAST Act

- Signed by President Obama on December 4, 2015
- First long-term authorization act in a decade
- Result of bipartisan cooperation and compromise
- Provides 5 years of funding certainty for infrastructure planning and investment
- Authorizes \$305 B (all modes) over FY 2016-2020
- \$70 B in transfers to keep the Highway Trust Fund solvent; fully “paid for” (offset) by unrelated savings

# \$305 B (all modes) over FY2016-2020

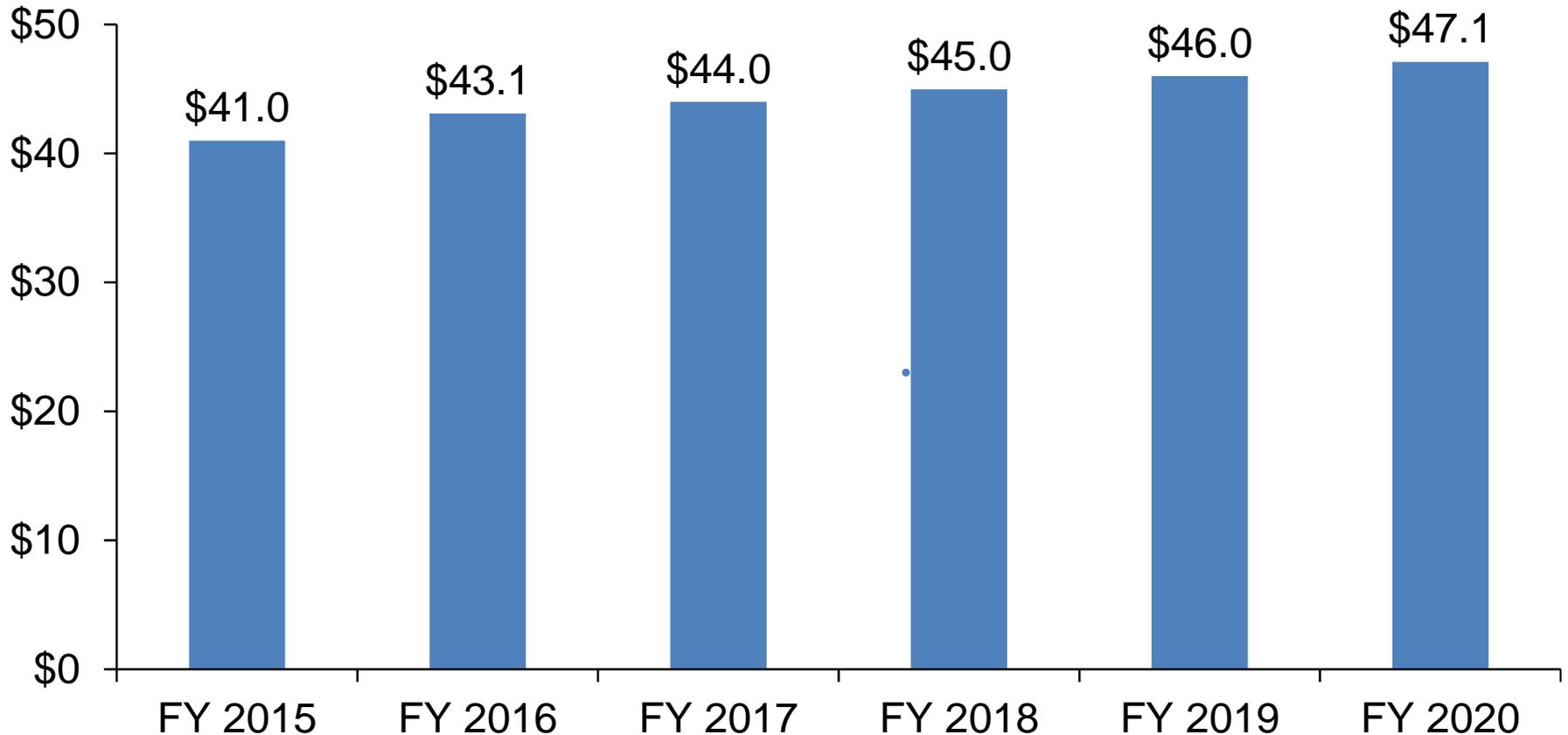
| Program   | 5-Year Funding (billions) |
|---|---------------------------|
| Federal Highway Administration                  | \$ 226.3                  |
| Federal Transit Administration                  | 61.1                      |
| Federal Motor Carrier Safety Administration     | 3.2                       |
| Pipeline and Hazardous Materials Administration | 0.4                       |
| National Highway Traffic Safety Administration  | 4.7                       |
| Federal Railroad Administration                 | 10.3                      |
| Total   | 305.0                     |

# Key Highway Facts

- \$226.3 B for highways over five years (FY 2016-2020)
  - \$225.2 B in contract authority
  - \$1.1 B from the General Fund
- Builds on the program structure and reforms of MAP-21
- Continued focus on accelerating project delivery
- Adds a new freight formula and expands freight network
- Adds a new discretionary program for nationally significant freight and highway projects
- Provides a new tribal self-governance option

# Highway contract authority grows each year

## Highway Authorizations from Trust Fund (billions)



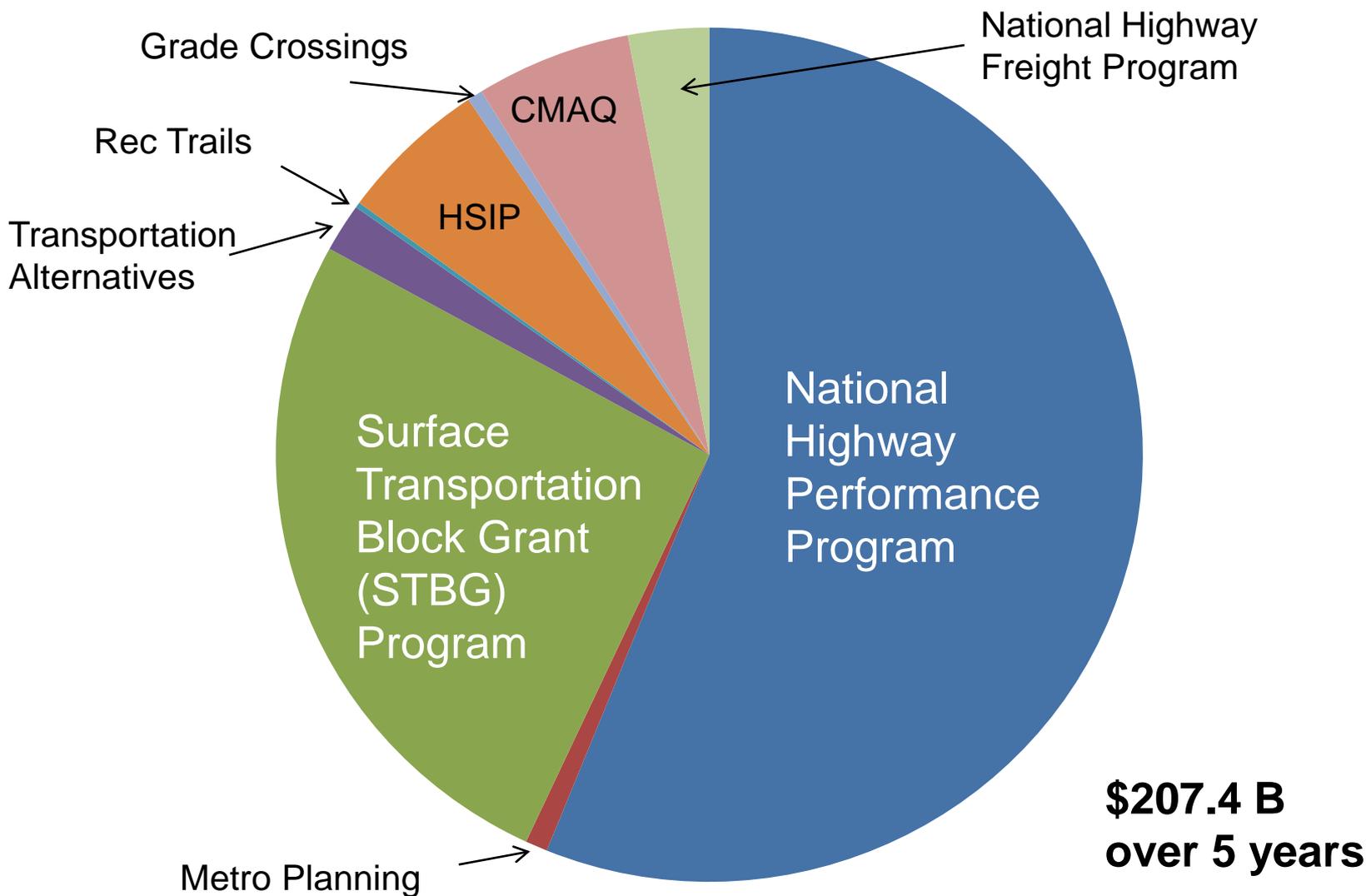
# APPORTIONED PROGRAMS

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# Growth Varies by Program

| Program  | Avg. Annual Funding (millions) | Change from FY 2015 |
|--|--------------------------------|---------------------|
| National Highway Performance Program   | \$ 23,280                      | +6.3%               |
| Surface Transportation <u>Block Grant</u> Program                              | 11,654                         | +15.6               |
| <i>Transportation Alternatives Set-aside</i>                                   | [760]                          | +3.3                |
| <i>Recreational Trails Program Set-aside</i>                                   | [84]                           | 0.0                 |
| <i>Surface Transportation Block Grant Program (net of TA &amp; Rec Trails)</i> | [10,809]                       | +7.3                |
| Congestion Mitigation & Air Quality Improvement                                | 2,405                          | +6.1                |
| Highway Safety Improvement Program   | 2,317                          | +5.7                |
| Railway-Highway Crossings Program  | 235                            | +6.8                |
| Metropolitan Planning  | 343                            | +9.5                |
| National Highway Freight Program   | 1,249                          | <b>NEW</b> +100.0   |

# 92% of Highway Funds Are Apportioned



# Changes to NHPP and STP

| Prgm | Changes   |
|------|---|
| NHPP | <ul style="list-style-type: none"><li>• TIFIA costs and V2I communication equipment now eligible</li><li>• Bridge resurfacing/preservation/reconstruction on <u>non-NHS</u> Federal-aid highways now eligible</li></ul>   |
| STP  | <ul style="list-style-type: none"><li>• Renamed: Surface Transportation <u>Block Grant</u> Program (STBG)</li><li>• Eligibilities restated with none eliminated; new eligibilities for TIFIA costs, State P3 office, V2I communication equipment</li><li>• In border States, up to 5% for infrastructure projects eligible under the SAFETEA-LU border program</li><li>• More suballocation: +1%/year up to 55% (vs. 50% today)</li><li>• Set-asides for Transportation Alternatives and Recreational Trails (see next slide)</li></ul> |

# Changes to TAP, CMAQ, and HSIP

| Prgm  | Changes  |
|-------|--|
| “TAP” | <ul style="list-style-type: none"><li>• Same program, but no longer called TAP; no name specified</li><li>• All funds set aside from STBG (vs. from all formula programs today)</li><li>• Nonprofits responsible for local transportation safety programs may be project sponsors</li></ul>  |
| CMAQ  | <ul style="list-style-type: none"><li>• V2I communication equipment eligible</li><li>• Port-related equipment &amp; vehicles eligible under PM2.5 set-aside</li><li>• Exception from PM2.5 set-aside for low population density States (under certain conditions)</li></ul>  |
| HSIP  | <ul style="list-style-type: none"><li>• Only listed project types eligible—mostly infrastructure-related</li><li>• Adds eligibility for V2I communication equipment and certain pedestrian safety improvements</li><li>• State need not collect certain data on unpaved roads (but can’t use HSIP funds on those roads until it collects the data)</li></ul> |

# FREIGHT

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# National Highway Freight Program | **NEW**

- \$1.2 B / year (average), apportioned to States by formula
- Eligible activities include construction, operational improvements, freight planning and performance measures
- Highway focus, but  $\leq 10\%$  for rail/port/intermodal projects
- No State freight plan, no freight formula \$ (beginning FY 2018)
- Federal share is determined under 23 USC 120
- Repeals special Federal share for freight projects

# Natl. Significant Freight & Hwy. Projects | **NEW**

- \$900 M/year (average) for competitive grants or TIFIA loans for projects >\$100 M (reduced for States w/ small programs)
- Eligible activities:
  - Highway freight projects on National Highway Freight Network
  - NHS highway/bridge projects, projects in National Scenic Areas
  - Freight rail/intermodal/port projects ( $\leq$ \$500 M over 5-year period)
  - Rail-highway grade crossing or grade separation projects
- States, large MPOs, Tribes, localities, and FLMAs may apply
- OST selects projects; Congress has 60 days to disapprove
- Set-asides for rural areas and projects below cost threshold

# Other Freight Provisions

- Freight policy goals and multi-modal national freight strategic plan
- State freight plans (required) & advisory committees (encouraged)
- National multimodal freight network
- National Highway Freight Network, to include:
  - Primary Highway Freight System (PHFS); initially 41K miles
  - Critical rural freight corridors identified by States
  - Critical urban freight corridors with State-MPO consultation
  - Portions of Interstate System not included in the PHFS
- Highway network re-designated every 5 years (w/up to 3% growth)

# PLANNING, PERFORMANCE & PROJECT DELIVERY

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# Planning & Performance

- More consultation and participation
  - Enables participation by public ports, private transportation providers
  - Encourages MPO consultation with other types of planning activities
- Changes to selection criteria for MPO officials
- Other changes to planning and performance
  - TIPs/STIPs/long-range plans must include facilities that support intercity transportation
  - New planning considerations: resiliency/reliability, stormwater mitigation, and enhancement of travel/tourism
  - Long-range State plan must describe perf. measures and targets
  - Consequence (reporting) for State making insufficient progress toward freight targets

# Accelerating Project Delivery

A major theme of the FAST Act, with 18 separate provisions in the highway title alone.

The Act—

- Adds New Flexibilities
  - Section 4(f) exemption for some bridges
  - Authorizes taking of nesting swallows in at-risk bridges
- Refines Existing Provisions
  - Narrows concurrence requirement for PEL
  - Pilot for substitution of State law for NEPA

# Accelerating Project Delivery, cont'd

- Adds to Procedural Requirements
  - Requires a schedule, a checklist, and response to project initiation
  - Adds some new specific time frames for notices and reviews
- Builds on Existing Activities
  - Requires permitting dashboard (but covers all EISs & EAs)
- DOT to maximize use of authority to delegate project oversight to States on both a project and programmatic basis

# OTHER PROGRAMS & PROVISIONS

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# TIFIA and Ferry Boat Programs

- Changes to TIFIA (beyond 71% funding cut)
  - New eligibilities for transit-oriented development (TOD), capitalizing rural projects fund in a SIB
  - Lower min. cost (\$10 M) for local govt. applicants and for TOD
  - TIFIA now eligible under NHPP, STBGP, Nationally Significant Freight and Highway Projects
  - No more requirement to redistribute uncommitted TIFIA funds
  - Reserves at least \$2 M to be used in lieu of fee payment by applicants for loans for projects costing less than \$75 M
- Changes to ferry program
  - Formula now gives more weight to number of ferry passengers
  - After 4 years, FHWA withdraws unobligated Ferry program funds (and distributes them to other eligible recipients)

# Tolling/HOV

- Tolling –
  - Technical clean up of statutory language
  - Requires same treatment on certain toll facilities for over-the-road buses and transit buses
  - Must consult MPO on toll placement/amount for HOT lanes on Interstate facilities within metropolitan planning area
- ISRRPP – Expiration timeframe for provisional approvals:
  - Those in place before FAST Act expire 1 year after enactment of FAST Act (with possible 1-year extension)
  - New ones (post-FAST) expire after 3 years (w/possible 1 yr. extension)
- Allows waiver of sanctions for degraded HOV operation under certain conditions

# Highway Design

- On NHS, design "shall consider" (previously "may take into account")—
  - constructed/natural environment
  - environ., scenic, aesthetic, historic, community, & preservation impacts
  - access for other modes
  - cost savings via flexibility in current design guidance/regulations | **NEW**
- DOT to consider AASHTO Highway Safety Manual, NACTO Urban Street Design Guide
- Encouragement for States/MPOs to adopt standards for Fed. projects that accommodate motorized and non-motorized users
- Locality may use different roadway publication than State (with State approval) in certain circumstances

# Other Provisions

- Specifically allows multiple similar bridge projects to be handled (“bundled”) into a single project
- DOT to designate national electric vehicle charging and hydrogen, natural gas, and propane fueling corridors